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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,261	08/20/2003	Ilya Yampolsky	BSI-540US	4665
60117 RATNER PRE	7590 01/22/2007 STIA	EXAM	EXAMINER	
P.O. BOX 980		THALER, MICHAEL H		
VALLEY FORGE, PA 19482			ART UNIT	PAPER NUMBER
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary 10/643,261	Office Action Summary		Application No.	Applicant(s)				
Michael Thaler Mich			10/643,261	YAMPOLSKY ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address ¬ Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Betardisors time may be available under the proximous of 30° RF1 130°, in no event, nower, may a reply be limely filed in the communication of 30° RF1 130°, in no event, nower, may a reply be limely filed in the proximous districts of 30° RF1 130°, in no event, nower, may a reply be limely filed in the lime of 30° RF1 130°, in no event, nower, may a reply be limely filed in the lime of 30° RF1 130°, in no event, nower, may a reply be limely filed or the communication. Fallute to reply which not set or set of this communication, seven if limely filed, may reduce any searce placement and application. 1) Responsive to communication(s) filed on 08 November 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-17 8′ s/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5 Claim(s) 1-17 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) All b) Some *C) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. 3 Some *C) Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. 3 Soe t			Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE WAILING DATE OF THIS COMMUNICATION. - Exercisions of time many be available under the provisions of 37 CFR 1.13(b), in no event, however, may a risply be timely filed. - Exercision of time many be available under the provisions of 37 CFR 1.13(b), in no event, however, may a risply be timely filed. - If NO predict one give is specified above, he maximum statutory practive days and we explicit x(g) MONTH'S time the mailing date of this communication. - Failure to risply within the set of extended period for reply will, by statute; cause the application to become ARANDONED (30 U.S. C.§ 1315). Any ropy recorded type defined an experience for the statute provided time application. - Failure to reply within the set of extended period for reply will, by statute; cause the application to become ARANDONED (30 U.S. C.§ 1315). Any ropy recorded time displacement. Set 37 CFR 1.74(p): - Status 1) Responsive to communication(s) filed on <u>08 November 2006</u> . - 2a) This action is FINAL. - 2b) This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)			L					
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In view of the amendment to the claims, the following is noted:

This application contains claims directed to the following patentably distinct species:

The species of figures 1 and 2; and

The species of figure 3. The species are independent or distinct because they differ significantly as to be patentably distinct.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in

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compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571) 272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

mht

MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731